

**Murray (HB 549)****Act No. 320**

Existing law, relative to workers' compensation, provides that an employee's right to compensation benefits, including medical expenses, is forfeited during any period of incarceration. The only exception to this forfeiture is when a workers' compensation judge finds that the employee has dependents who rely on those benefits for their support, in which case the compensation is made payable to and transmitted to the guardian or other person designated by the judge. Further provides that such payments are considered as having been made to the employee and that after release the employee's right to claim compensation benefits shall resume.

New law retains the above provisions and further provides that during the period of incarceration the time to file a claim for benefits is suspended where the employee is found not guilty of felony charges or the prosecutor dismisses all felony charges. New law further states that this provision is intended to legislatively overrule the finding that incarceration does not suspend prescription for filing workers' compensation claims as stated in the La. Supreme Court decision Clark v. Mrs. Field's Cookies 707 So.2d 17 (La. 1998).

Effective August 15, 1999.

(Amends R.S. 23:1201.4)